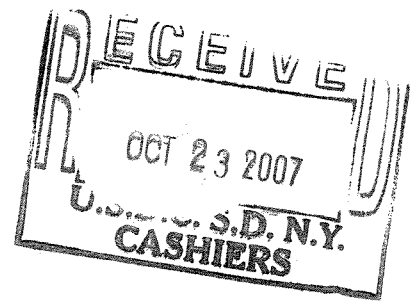


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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

JUDGE DANIELS

-----X
 THERON ALEXANDER FRANCIS, et al.

Plaintiffs,

v.

THE BRONX-LEBANON HOSPITAL
 CENTER, et al.,

Defendants.
 -----X

NOTICE OF REMOVAL

07 CIV 9450

Index No. 14179-07
 (Supreme Court of the State
 of New York, Bronx County)

Defendants Robert C. Bingham, D.D.S., Arnold Homer, D.D.S., and the Dr. Martin Luther King, Jr. Health Center ("federal defendants"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, hereby remove the above-captioned action to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. On or about April 12, 2007, plaintiffs Teron Alexander Francis and Marcerlyn Francis commenced an action in the Supreme Court of the State of New York, Bronx County, by filing a Summons and Verified Complaint under index number 14179-07. A true and correct copy of the Summons and Verified Complaint is attached hereto as Exhibit A.
2. Pursuant to the Public Health Service Act, as amended by the Federally Supported Health Centers Assistance Act of 1995, 42 U.S.C. § 201 et seq., the Dr. Martin Luther King, Jr.

Government, effective January 1, 2004. See 42 U.S.C. § 233(a), (g)-(n).

3. Robert C. Bingham, D.D.S. and Arnold Homer, D.D.S. were employees of the Dr. Martin Luther King, Jr. Health Center at all times relevant to the Complaint.

4. The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 1402(b), 2401(b) and 2671-2680, provides the exclusive remedy with respect to plaintiffs' claims against the federal defendants. See 42 U.S.C. § 233(a).

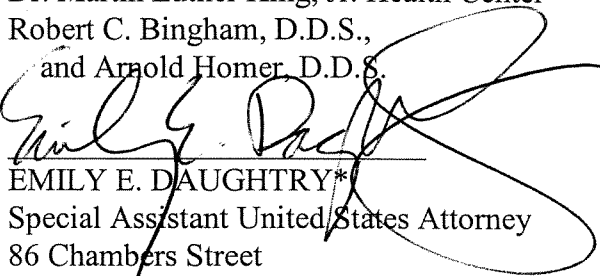
5. This action may be removed to this Court pursuant to 42 U.S.C. § 233(c) and 28 U.S.C. § 2679(d)(2) because: (i) trial has not yet been had of this action; and (ii) this is a civil action brought against parties deemed to be employees of the United States Government for purposes of the FTCA. The Certification of Michael J. Garcia, United States Attorney for the Southern District of New York, dated September 27, 2007, certifying that defendants Robert C. Bingham, D.D.S., Arnold Homer, D.D.S., and the Dr. Martin Luther King, Jr. Health Center are employees of the United States for purpose of plaintiffs' claims against them, is attached hereto as Exhibit B.

Dated: New York, New York
October 23, 2007

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants
Dr. Martin Luther King, Jr. Health Center
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